

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ALLFIRST BANK

*

Plaintiff,

*

v.

*

CASE NO.: 1:01-CV-786

JOHN M. ORTENZIO

*

Defendant.

*

JOINT STATUS REPORT

____Plaintiff, Allfirst Bank, and Defendant, John M. Ortenzio, by their respective undersigned counsel, provide the following joint status report regarding the pending adversary proceeding in *In Re CCI Construction, Inc.*, Case No.: 1-00-02239-RJW-1, Adversary No.: 1-01-00011A, instituted by the Debtor against Allfirst.

1. On May 20, 2004, Bankruptcy Judge Thomas denied the cross-motions for summary judgment filed by Plaintiffs, the Debtor and The St. Paul Companies (an intervener in the preference action), and Defendant, Allfirst, as to the three challenged transfers.

2. Trial of the preference action is currently set for June 10 and 11, 2004 before Bankruptcy Judge Thomas in the United States Bankruptcy Court for the Middle District of Pennsylvania. Plaintiffs have requested a postponement of the trial date.

Allfirst has advised the Bankruptcy Court that it is ready to proceed. Bankruptcy Judge Thomas has not at yet addressed the postponement request.

3. No action has been taken on the Defendant, John Ortenzio's, appeal of this action to the Third Circuit Court of Appeals. Although Allfirst has filed a motion to dismiss the appeal on the grounds that the April 14, 2003 order is not a final order and is therefore not appealable, no decision on this motion has been made and no hearing has been set.

/s/

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